

REMARKS

The application has been reviewed in light of the Final Office Action mailed January 29, 2004. At the time of the Final Office Action, Claims 27-48 were pending in this application. Claims 1-26 and 49-117 were previously cancelled due to an election/restriction requirement. Claims 27-48 stand rejected. Applicants cancel Claims 28 and 30 without prejudice or disclaimer. Applicants amend Claims 27, 29, 31, 32, 44 and 47, and respectfully request reconsideration and favorable action in this case.

Claim Rejections Under 35 U.S.C. §112

Claims 30 and 47 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have cancelled Claim 30 without disclaimer or prejudice. Applicants have amended Claim 47 to overcome the rejections under 35 U.S.C. §112, second paragraph. Applicants request withdrawal of all rejections and allowance of Claim 47, as amended.

Claim Rejections Under 35 U.S.C. §102

Claims 27, 28, 33, 34, 36, 44 and 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,063,352, issued to Theo Risse et al. (hereinafter "Risse"). Applicants have cancelled Claim 28 without prejudice or disclaimer. Applicants respectfully traverse and submit that Claims 27, 33, 34, 36, 44 and 45, as amended, are patentable over Risse.

Risse discloses a method of removing sulfur dioxide from a flue gas wherein "SO₂ containing flue gas is scrubbed with a scrubbing solution. (Abstract)

Applicants' amended Claim 27 calls for various features including "packing arranged within the interior cavity of the shell, the packing located above at least one of the scrubber stage separators, wherein the packing includes a pressure drop of less than 0.5 inches of water/foot of packing height."

Applicants' amended Claim 44 calls for various features including "a plurality of liquid distributors, the liquid distributors in fluid communication with the liquid distributor headers and

capable of distributing fluid from the liquid distributor headers to the interior cavity of the shell, wherein the fluid comprises a recirculated fluid with water, ammonia or ammonia liquor, but not oxygen, added."

Risse cannot anticipate amended Claims 27 and 44 because Risse fails to teach, disclose or suggest all elements recited by amended Claims 27 and 44. For example, Risse fails to teach, disclose or suggest "packing arranged within the interior cavity of the shell, the packing located above at least one of the scrubber stage separators, wherein the packing includes a *pressure drop of less than 0.5 inches of water/foot of packing height*" as recited by amended Claim 27. (emphasis added) Additionally, Risse fails to teach, disclose, or suggest "a plurality of liquid distributors, the liquid distributors in fluid communication with the liquid distributor headers and capable of distributing fluid from the liquid distributor headers to the interior cavity of the shell, wherein *the fluid comprises a recirculated fluid with water, ammonia or ammonia liquor, but not oxygen, added*" as recited by amended Claim 44. (emphasis added) Therefore, Applicants respectfully submit that amended Claims 27 and 44 are not anticipated by Risse.

Claims 33, 34, and 36, as amended, depend from and provide further patentable limitations to amended Claim 27. Claim 45 depends from and provides further patentable limitations to amended Claim 44. Since amended Claims 27 and 44 are deemed allowable, Applicants assert that Claims 33, 34, 36, and 45 are allowable. Thus, Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow Claims 27, 33, 34, 36, 44 and 45, as amended.

Claim Rejections Under 35 U.S.C. §103

Claims 29-32 and 46-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Risse in view of U.S. Patent No. 3,944,402, issued to Paul Cheremisinoff (hereinafter "Cheremisinoff"). Applicants cancel Claim 30 without prejudice or disclaimer. Applicants respectfully traverse and submit that Claims 29, 31, 32 and 46-48, as amended, are patentable over Risse in view of Cheremisinoff.

Claims 29, 31, 32 directly or indirectly depend from and provide further patentable limitations to amended Claim 27. Claims 46-48 directly or indirectly depend from and provide further patentable limitations to amended Claim 44. Since amended Claims 27 and

44 are deemed allowable, Applicants assert that Claims 29, 31, 32 and 46-48, as amended, are allowable. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow Claims 29, 31, 32 and 46-48, as amended.

Claims 35 and 37-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Risse. Applicants respectfully traverse and submit that Claims 35 and 37-43 are patentable over Risse.

Claims 35 and 37-43 directly or indirectly depend from and provide further patentable limitations to amended Claim 27. Since amended Claim 27 is deemed allowable, Applicants assert that Claims 35 and 37-43 are allowable. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejections and allow Claims 35 and 37-43.

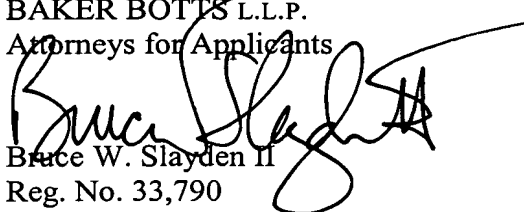
SUMMARY

In light of the above amendments and remarks Applicants respectfully submit that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicants believe no fees are due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants


Bruce W. Slayden II
Reg. No. 33,790

Date: 3/25/2004

Correspondence Address:

One Shell Plaza
910 Louisiana
Houston, Texas 77002-4995
512.322.2606
512.322.8306 (Fax)